

GAHC010084402024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./1293/2024

SOBUR ALI
S/O JURAN ALI
R/O VILL- SAGUNMARI PT. IV,
P.O. BILASIPARA
P.S. BILASIPARA
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REP BY THE PP, ASSAM

2:ROKIBUL ISLAM
S/O ANAR ALI
R/O VILL- SAGUNMARI PT.IV
P.O. BILASIPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-78334

Advocate for the Petitioner : MR. M A SHEIKH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

17.05.2024

Heard Mr. M.A. Sheikh, learned counsel for the accused and Mr. B.B.

Gogoi, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Sobur Ali**, who has been languishing in jail hazot since 18.03.2024, in connection with the **Bilasipara P.S. Case No. 67/2024**, under Sections 365/34 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by one Rokibul Islam, on 16.03.2024. The essence of allegations made in the FIR is that on 14.03.2024, at about 7:30 pm, one Sobur Ali along with Juran Ali kidnapped his daughter from his house and kept her confined in an unknown place.

4. Mr. Sheikh, learned counsel for the accused submits that the accused was arrested on 18.03.2024, and since then he has been languishing in jail hazot. Mr. Sheikh further submits that the maximum period of punishment prescribed for the offence under Section 365 of the IPC is 7 years and that as the accused has been languishing in jail hazot for more than 60 days and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Gogoi, learned Additional Public Prosecutor obtaining instruction from the I.O. concerned, submits that the investigation has already been completed and chare sheet has been submitted on 14.04.2024, under Sections 365/34 of the IPC.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record.

7. It appears that the accused was arrested on 18.03.2024, and since then he has been languishing in jail hazot for more than 60 days.

8. Having considered above and also considering the fact that after completion of the investigation the I.O. has laid charge sheet against the accused, this Court is of the view that further custodial detention may not be warranted in the interest of investigation.

9. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Sub-Divisional Judicial Magistrate, Bilasipara.**

10. In terms of above, this bail application stands disposed of.

11. The case diary be returned.

JUDGE

Comparing Assistant